THE HIGH COURT OF UTTARANCHAL AT NAINITAL
A.O. No. 669 of 2001
Old F.A.F.O. No. 1182 of 1999

Oriental Insurance Co. Ltd. through its Asstt. Manager,
Divisional Office No. 1, 16-A, M.G. Marg, Allahabad.

…Appellant

Versus

1. Smt. Sudama Devi, wife of late Sri Prem Lal,
2. Vinod Kumar Son of Late Sri Prem Lal,
3. Vijay Kumar (minor) S/O late Shri Prem Lal
4. Ranjeet Minor, son of late Shir Prem Lal
5. Km. Been Kumar daughter of late Sri Prem Lal
6. Km. Jai Shri (minor) daughter of late Sri Prem Lal.
   The respondent nos. 3,4 and 6 being minors are prepresented through their mother and natural guardian Smt. Sudama Devi, respondent no. 1, All R/O Jith Kholi, Post Office Moosagali, Patti Vidolsyun, District Pauri Garhwal (Claimants).
7. Shiv Ratan Singh S/O Shri Kunwar Singh,
   Resident of village Patal, Patti Khatasyun, Post Office Chorkhal (Tauli),Tahsil Pauri Garhwal, District Pauri Garhwal.
8. Gagan Singh, resident of Boonga Paltiwali Kandharasyan,
   District Pauri Garhwal.

… **Respondents**

Sri Prabhat Pande, Adv. learned counsel for the appellant.

Date April 24, 2006.

P.C. : Hon. B.S. Verma, J.

This appeal under section 173 of the Motor Vehicles Act, 1998 ***(for short the Act)*** is directed against the judgment and award dated 9-9-1998, passed by the Motor Accident Claims Tribunal/ District Judge Pauri Garhwal ***(in short the Tribunal)*** in Motor Accident Claim Petition No. 91 of 1997 with claim petition No. 124 of 1997, Smt. Sudama Devi and others Vs. Shiv Ratan Singh and others, whereby compensation of Rs.1,75,000/- has been awarded in favour of the claimants against the Insurance Company-appellant.

At the outset, it may be mentioned that the learned Tribunal has decided 24 claim petitions under the Motor Vehicles.

Act, arising out of the same motor accident by the said common judgment.

Brief facts giving rise to the present appeal that Prem Lal son of Dhiraj Lal aged 40 years and a labourer by profession earning Rs. 4200/- per month lost is life along with 24 other persons on 12.4.1997 at about 2 p.m. at Chipalaghaat, Pauri due to a motor accident involving bus No. U.T.S. -1029 and several other passengers sustained grievous injuries. The injured persons and legal heirs of the deceased filed 25 claim petitions including the present claimants. The learned Tribunal consolidated all the claim petitions and awarded the compensation. The Tribunal directed the Insurance Company to pay the compensation within a period of one month. In default, rider of interest of 18% per annum was put.

In the course of argument, learned counsel for the appellant-Insurance Company submitted that the controversy involved in this appeal has already been resolved in view of Division Bench Judgment of this Court passed in A.O. No. 469 of 2001 along with A.O. No. 522 of 2001 and A.O. No. 578 of 2001, which have also arisen out of the same motor accident and same impugned judgment and award dated 9-9-1998. The learned counsel for the appellant submitted that the present be decided in terms of the Division Bench judgment dated 18-8-2004, whereby the rate of interest awarded by the Tribunal was found exorbitant and it was reduced from 18% per annum to 9% per annum from the date of award.

I have perused the said Division Bench judgment dated 18-8-2004 passed by this Court in A.O. No 469 of 2001, Oriental Insurance Co. Ltd. Vs. Smt. Parwati Devi and others. The learned counsel for the appellant had pressed the appeal only with the plea of reduction of interest awarded by the Tribunal. Accordingly, the rate of interest was reduced from 18% to 9% per annum. It is evident that this Court had modified the impugned award to the above extent.

Accordingly, the rate of interest is hereby reduced in the present appeal from 18% to 9% per annum from the date of award made by the Tribunal.

The appeal is partly allowed. The impugned award is modified to the above extent. No order as to costs.

The amount in deposit with this Court, if any, shall be transmitted to the Motor Accident Claims Tribunal concerned for being paid to the claimants as directed by the learned Tribunal.

(B.S.Verma,J.)

RCP